

Original Signed by Bruce Jordan, June 11, 1998

Roderick Portine
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Dear Mr. Portine:

The U.S. Environmental Protection Agency (EPA) is compiling detailed information on sources and quantities of hazardous air pollutant (HAP) emissions and control techniques from non-gasoline liquid handling operations at both existing and new organic liquids distribution facilities. This information will be used in setting national emission standards for hazardous air pollutants (NESHAP) under section 112 of the Clean Air Act (CAA), as amended in 1990. On April 29, 1998, I distributed an information collection request (ICR) survey to collect this information from your company and requested that the information be provided by July 8, 1998. Since then, we have received industry requests for more time to complete and submit the ICR survey. This letter is to inform you of a change in the required due date for the ICR survey and to provide the Agency response to those industry requests.

Many companies requested more time to complete this ICR survey, and some requesters noted the reasons for the need for additional time. They mentioned staff conflicts with upcoming work on SARA 313 reports and other MACT projects, and the complexity of some facilities and of the ICR survey itself. We are sensitive to the effort required to compile the survey information; therefore, to minimize demands on your time we consulted with industry representatives from both organic liquid distribution companies and trade organizations since the fall of 1997. Those discussions and reviews greatly improved the instructions for this ICR survey and its overall focus. Since release of the ICR survey, industry and the EPA identified and analyzed additional instructions intended to simplify, clarify, and reduce the data requested. Enclosed is a copy of those additional instructions. Additionally, the EPA and industry held a workshop to help improve the understanding and efficiency of this data collection.

The EPA normally provides a 45-day response time for this type of ICR survey. We extended the due date to a total of 70 days (more than 2 months) to take into consideration that we were not sending the questionnaire directly to each facility. Industry requests have asked for additional time anywhere from one additional week to three additional months (total time of five

months). As discussed above, the EPA believes that the Agency and industry have worked hard to focus and minimize the effort on this ICR survey and a long extension is not warranted. We do, however, agree with the need for some extension of the due date. Therefore, the EPA is now requesting that responses to the subject ICR survey be provided by August 17, 1998.

In discussions with many of the companies requesting additional time past the new August 17, 1998 due date, many thought some additional time would still be necessary in extreme cases (as an example for large size chemical plants or refineries), while responses from their other facilities could be reported by August 17, 1998. The EPA agrees with the requesters that additional time should be allowed, where warranted for extreme cases, if the responders meet the August 17, 1998 due date for their other facilities and the additional requested time for these extreme cases is short (about a month). Additionally, the EPA requests that, before August 17, 1998, respondents provide the rationale for additional time for the extreme case facility(s), a response delivery date, and identification of the facility(s).

This letter and any additional information about this ICR survey will be available on the EPA's Internet site (www.epa.gov/ttn/oarpg/t3sp.html). Thank you for your present and future efforts in providing this information. Your assistance in this survey is critical in developing a regulation that is realistic and workable, as well as protective of the environment.

If you have any questions on this ICR survey, please contact Mr. Stephen Shedd at (919) 541-5397, or E-mail address: shedd.steve@epa.gov.

Sincerely,

Bruce C. Jordan
Director
Emission Standards Division

Enclosure

**IDENTICAL LETTERS BEING SENT TO THE ADDRESSEES
SEE ATTACHED**

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Revised: June 11, 1998**

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Additions to instructions for:

**INDUSTRY-SPECIFIC INFORMATION COLLECTION REQUEST
FOR THE DEVELOPMENT OF AN
ORGANIC LIQUIDS DISTRIBUTION
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARD
(Originally Mailed: April 29, 1998)**

I. INSTRUCTIONS

add the following to the instructions:

K. What information must be provided for sources covered by other MACT standards not listed earlier?

Several recipients of the subject ICR have asked if distribution equipment is to be surveyed that are subject to another final, proposed, or draft MACT standard. As stated before, the intent of the Organic Liquids Distribution MACT survey is to not overlap the emission point sources regulated under another MACT¹. Below are some additional instructions on this question.

1. Final MACT Standards. The instructions provide allowances to exclude distribution point emission source equipment covered by listed final MACT standards and provide special instructions for them. Those listed MACT standards include: the Hazardous Organic NESHAP (HON), Gasoline Distribution, Marine Vessel Loading, and Refinery MACT. Callers have asked if EPA should include all final MACT standards in that list and they have cited the final MACT standards for Polymers and Resins 1, 2, and 4 as an example of additional overlapping standards. The Polymers and Resins final MACT standards are similar in structure to how the HON and the Refinery MACT regulate equipment. As discussed in subsections E and F of the original instructions, these MACTs cover storage vessels and loading racks based on predominant or exclusive use with a regulated chemical or refinery process unit. Thus, because it is a site and process specific determination, these instructions cannot be clarified more specifically. There may be other final MACT standards that overlap this survey that are not identified above that have similar language or determinations. For this survey, respondents may exclude distribution storage vessels, loading racks, and loading arms clearly regulated under any final MACT standard if the respondent identifies the equipment as follows:

*On the plot plan² requested in **subsection A of Section III** of the original instructions, show which storage vessels and loading arms and racks are regulated under a final MACT and which are not, and identify the MACT standard on each*

piece of equipment. "Regulated" vessels, loading arms, and racks can include those that are otherwise subject to the MACT, but do not need to be controlled because they do not meet the control criteria (small tank, below HAP applicability limits or vapor pressure exemptions in Marine Vessel MACT, etc.) given in the subject MACT.

2. Non-Final MACT Standards. For MACT standards that are not final standards, the respondent must have clear knowledge and support that a non-final MACT standard will regulate the associated distribution equipment. Some non-final MACT standards have similar HON regulatory structure as discussed above in **subsection K.1**, and determinations will be site specific. Additionally, some non-final MACT standards are not regulating some distribution emission sources. As an example, the proposed MACT for Pesticides and the MACT under development for Miscellaneous Organic NESHAP (MON) do not regulate loading racks or arms, nor were they surveyed under those projects. Therefore, those loading racks and arms not covered under those MACTs must be surveyed in this OLD survey³. In conclusion, respondents may exclude distribution storage vessels, loading racks, and loading arms clearly regulated under any non-final MACT standard if the equipment is identified below. Publicly available written information must support this determination.

*On the plot plan² requested in **subsection A of Section III** of the original instructions, show which storage vessels and loading arms and racks are regulated under a non-final MACT and which are not, and identify the MACT standard on each piece of equipment. "Regulated" vessels, loading arms, and racks can include those that are otherwise subject to the MACT, but do not need to be controlled because they do not meet the control criteria (small tank, below HAP applicability limits or vapor pressure exemptions in Marine Vessel MACT, etc.) given in the subject non-final MACT.*

L. What information must be provided for plant sites with all distribution equipment completely covered by other MACT standards?

Several recipients of the subject ICR have asked if plant sites that have all distribution equipment completely covered by other MACT standards, do they still need to submit a plot plan? This situation was anticipated for bulk gasoline terminals, but not for others. Bulk gasoline terminals are allowed to not submit a plot plan or other data if they only handle gasoline or other non-surveyed organic liquids. EPA does not need plot plans of any plant site where all distribution equipment is covered by other MACT standards. However, if the company does not have any plant sites to report data on, then respondents must report this finding in writing to the EPA at the address shown in **subsection J** of this section.

M. Can any type of process or facility with the SIC codes listed in Section I, subsection H be excluded from this survey?

Several recipients of the subject ICR have asked whether any plant sites or processes that have the SIC codes listed in **Section I, subsection H** have to submit a survey response. The text of that subsection presents this exclusion for compounding, blending, and packaging facilities. The EPA intended this subsection to provide an exclusion for small compounding, blending, and package facilities that may be subject to the MON standards. We did not intend this exclusion to apply to chemical processing plants and processes, etc., as had callers had hoped. The purpose of this paragraph is to clarify this intent and use, and to announce that the provision (**Section I, subsection H**) is now unnecessary because **Section I, subsections K and L** of the above new instructions, exclude affected MON equipment.

1. MACT used in this survey means Maximum Achievable Control Technology standards set under section 112(d) of the Clean Air Act as amended in 1990 (the Act). We codify MACT standards in Title 40, Part 63 of the Code of Federal Regulations. Recipients of the subject ICR have asked if equipment controlled by other non-MACT air standards, in particular those hazardous air pollutant standards under Part 61 (ex. Benzene Waste), can be excluded from a detailed response to this survey? Since those rules are under different provisions of the Act or for the example, prior amendments, this equipment must be included in the detailed response so that a decision can be made based on the MACT provisions in the Act. However, many MACT standards specify Part 61 or 60 (NSPS) standards as an alternative or equivalent to MACT. In these cases, the MACT standard that uses the Part 60 or 63 standard should be cited in this survey.

2. **Plot Plans:** The **detailed plot plans** that the survey requests here and all subsections of the section and in **subsection A of Section III** are requested for areas of the plant site where organic liquid distribution sources and control equipment are to be surveyed. The survey also requires a **general plot plan** that provides an understanding of the general layout and operation of the plant site, and shows the areas of the plant site where organic liquid distribution sources and control equipment will be surveyed.

This survey is also asking respondents to show where other MACT standards control organic liquid distribution sources and control equipment. In these cases, respondents must show and include distribution equipment controlled by other MACT standards on the **detailed plot plan** to the degree necessary to show interconnected equipment. On the **general plot plan**, the distribution equipment controlled by other MACT standards should be presented in a general nature as needed to provide a general understanding of the layout and operation of the plant site.

3. Note that although these sources may be surveyed under the OLD project, the EPA has not made a decision as to whether to add these sources now or later to the subject non-final standard or include under the OLD standard. As with refinery gasoline loading racks and distribution storage vessels, the Gasoline Distribution MACT promulgated standards for those sources, and then EPA opted to later move the requirements under the Refinery MACT to cover those refinery sources under one standard to ease implementation and compliance.